

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JOHN ROBERT LEIDECKER, #66326-004

PETITIONER

VS.

**CIVIL ACTION NO. 5:07-cv-192-DCB-MTP
APPEAL NO. 08-60105**

CONSTANCE REESE, WARDEN

RESPONDENT

ORDER

BEFORE the Court is Petitioner's motion for a certificate of appealability [8] and motion for leave to proceed *in forma pauperis* [10] on appeal. Upon review of the motions and affidavits submitted, it is hereby,

ORDERED AND ADJUDGED that Petitioner's motion for leave to proceed *in forma pauperis* [10] on appeal is hereby sustained, and he is granted leave to proceed in this cause without prepayment of the \$455.00 filing fee or costs, or giving security therefore.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner's motion for a certificate of appealability [8] is denied inasmuch as a certificate of appealability is not proper in a case filed by a federal inmate pursuant to 28 U.S.C. § 2241. *See Ojo v. I.N.S.*, 106 F.3d 680 (5th Cir.1997).

THIS, the 27th day of February, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE